

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT CURRY,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC., *et al.*,

Defendants.

CIVIL ACTION
NO. 17-2331

ORDER

AND NOW, this 30th day of August, 2017, after consideration of Plaintiff's Motion to Remand, (ECF No. 10), Defendants' Responses, (ECF Nos. 17 & 18), and Plaintiff's Reply, (ECF No. 19), it is **ORDERED** that:

1. The Motion to Remand, (ECF No. 10), is **DENIED**;
2. Defendants' Motions to Dismiss, (ECF Nos. 20 & 21), are **GRANTED** and the Amended Complaint, (ECF No. 16), is **DISMISSED with prejudice**.⁵
3. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

⁵ In his Reply brief in support of his Motion to Remand, (ECF No. 19), and at oral argument, (Tr. of Hr'g, at 36:2–9), Plaintiff conceded that should the Court deny his Motion to Remand and hold that the LMRA preempts his state law cause of action, the Amended Complaint should be dismissed because claims under the LMRA are barred by its six-month statute of limitations. *See* 29 U.S.C. § 160(b); *DelCostello v. International Broth. of Teamsters*, 462 U.S. 151, 155 (1983); *Vadino v. A. Valey Eng'rs*, 903 F.2d 253, 260 (3d Cir. 1990).